

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

CHERYL SCOTT, on behalf of herself,)
the Caterpillar 401(k) Retirement Plan,)
and all similarly situated,) **NO. 1:17-CV-00679**
)
Plaintiff,)
)
v.) **Hon. Sharon Johnson Coleman**
)
AON HEWITT FINANCIAL)
ADVISORS, LLC, *et al.*,)
)
Defendants.)

**UNOPPOSED MOTION FOR LEAVE TO FILE
AMENDED DECLARATION OF AMANDA AMERT IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS COMPLAINT**

Defendants Aon Hewitt Financial Advisors, LLC and Hewitt Associates LLC respectfully submit this motion for leave to file an amended Declaration of Amanda Amert in support of their Motion to Dismiss Complaint (the “Motion to Dismiss,” Docket No. 35). In support of this Motion, defendants state as follows:

1. On April 7, 2017, defendants filed their Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), seeking dismissal of the claims asserted in plaintiff’s complaint. In support of the Motion to Dismiss, defendants submitted the Declaration of Amanda Amert in Support of Motion to Dismiss Complaint (Docket No. 37), signed under penalty of perjury pursuant to 28 U.S.C. § 1746, which identified and authenticated certain documents relevant to defendants’ Motion to Dismiss.

2. Since filing the Motion to Dismiss, defendants have determined that the Declaration of Amanda Amert inadvertently identifies Exhibit 11 to the Declaration incorrectly. The Declaration identifies Exhibit 11 as a true and correct copy of the Annual Return/Report of

Employee Benefit Plan (Form 5500) for the Caterpillar 401(k) Retirement Plan filed by Caterpillar Inc. with the Department of Labor for the 2014 plan year, when in fact, Exhibit 11 to the Declaration is a true and correct copy of the 2014 Caterpillar Sponsored 401(k) Plans Fee Disclosure Notice.

3. Defendants now seek to file an amended declaration in support of the Motion to Dismiss, attached hereto as Exhibit A. The amended declaration correctly identifies Exhibit 11 as a true and correct copy of the 2014 Caterpillar Sponsored 401(k) Plans Fee Disclosure Notice.

4. Defendants' counsel conferred with plaintiff's counsel on May 2, 2017, and plaintiff's counsel indicated that plaintiff does not oppose the relief sought in this motion.

Wherefore, defendants respectfully request that this Court enter an order (i) granting them leave to file the amended declaration attached hereto as Exhibit A in support of their Motion to Dismiss, and (ii) granting such further relief as is proper and just.

Dated: May 3, 2017

JENNER & BLOCK LLP
Attorneys for Defendants

By /s/ Amanda S. Amert
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CERTIFICATE OF SERVICE

I, Amanda Amert, an attorney, certify that on May 3, 2017, I caused a true and correct copy of the foregoing **Unopposed Motion For Leave To File Amended Declaration Of Amanda Amert In Support Of Defendants' Motion To Dismiss Complaint, along with the exhibit thereto**, to be served upon all CM/ECF registrants of record in this action using the CM/ECF system.

/s/ Amanda S. Amert